IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3033 of 2005

Between:

K. Lakshmipathi K. Krishnaiah, Hindu
R/o. 118, Shopping Complex, D.M.B.Road, Tirumala, Chittoot District.

PETITIONER

AND

1 Tirumala Tirupathi Devasthanams Tirupathi

Chittoor District, Rep. by its Executive

Officer,
2 The Assistant Executive Officer (Revenue),

Incharge, T.T.Devasthanams, Tirumala,
Chittoor District.
3 The Assistant Executive Officer (Revenue), T.T.

Devasthanams, Tirumala Chittoor District.
4 The Divisional Engineer, Electricity T.T.

Devasthanams, Tirumala, Chittoor District

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High

Court may be pleased to issue a writ of Certiorari, calling for the records pertaining to proceedings Roc.No. Rev 2/763 /AEO(Rev)/TM/2004 dt. 13-2-2005 issued by the respondent and quash the same as wholly arbitrary highly illegal, discriminatory and unconstitutional, being violative of Art. 14,19,2 1 and 300(A) of the constitution of India and also violative of Principles of natural Justice and consequently declare the same as void abinitio, null and void and nonest in the eye of Law, and pass such other or further orders as this Hon'ble Court may deem fit.

Counsel for the Petitioner:MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondent No.: MR.S.VENKATESHWARA RAO

The Court made the following :

O R D E R

Petitioner challenges the proceedings dated 13.2.2005 issued by the Executive Officer of Tirumala Tirupathi Devasthanam, Tirupathi (for

short ‘Devasthanam’). It relates to resumption of shop No.118 of the shopping complex.

2. The shop was allotted in favour of one P.Nagaiah, who in turn was an allottee of shop No.9-205 of T.P.M. Back Row Street, Tirupathi. When the said premises came to be demolished for developmental works, he was allotted shop No.118. Certain controversies turned around the very allotment itself. However, on coming to know that P.Nagaiah is no more, proceedings were initiated for resumption of the same. Since the petitioner was in occupation of the said premises, he was issued a show cause notice. The petitioner stated that the allottee Mr.P.Nagaiah was being maintained by their family and as such, he is entitled to continue in possession of the same.

3 . Heard the learned counsel for the petitioner and the learned Standing Counsel for Devasthanam.

4 . Several proceedings ensued between the petitioner on the one hand and the Devasthanam on the other hand, in relation to the said premises. It is not necessary to refer to the same, at this stage. It is not in dispute that the allottee of the shop No.118 is Mr.P.Nagaiah. The petitioner does not claim to be the legal representative of the original allottee. Even assuming that the family of the petitioner was maintaining Mr.Nagaiah, it does not result in a situation, where they can claim succession, through the original allottee. Therefore, no exception can be taken to the impugned order.

5. The learned counsel for the petitioner states that in several cases of similar nature, allotments were made, ignoring the deficiencies and defects.

6 . Even assuming that such instances existed, this court cannot direct the Devasthanam to commit the same mistakes or irregularities.

7. Hence, the writ petition is dismissed.

8. The petitioner is granted six weeks time from today to vacate the premises.

9 . It is however directed that in case Devasthanam intends to allot the shop, so vacated, by way of conducting auction or otherwise, the case of the petitioner shall also be considered on par with any other candidate.

10. No order as to costs.

AVS ----------

21.02.2005

To.

1 Tirumala Tirupathi Devasthanams Tirupathi

Chittoor District, Rep. by its Executive

Officer,

2 The Assistant Executive Officer (Revenue),

Incharge, T.T.Devasthanams, Tirumala,
Chittoor District.

3 The Assistant Executive Officer (Revenue), T.T.

Devasthanams, Tirumala Chittoor District.

4 The Divisional Engineer, Electricity T.T.

Devasthanams, Tirumala, Chittoor District

5. Two C.D. copies.